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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuhiko ODA et al.

Group Art Unit: 1751

Application No.: 10/803,880

Examiner: K. VIJAYAKUMAR

Filed: March 19, 2004

Docket No.: 119168

For: MANUFACTURING PROCESS OF CONDUCTIVE COMPOSITION AND A
MANUFACTURING PROCESS OF CONDUCTIVE PASTE

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the October 11, 2006 Restriction and Election of Species Requirement, Applicants provisionally elect Group II, claims 2, 3, 5, 7 9, 11, 13, 15 and 17. This Election is made with traverse.

The Office Action alleges that Groups I and II may be restricted under MPEP §802.01 and §806.06. According to MPEP §802.01 and §806.06, groups are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects. However, the claims of Groups I and II at least have similar effects, see paragraphs [0010] - [0014]. Thus, Groups I and II are not unrelated as required for restriction under MPEP §802.01 and §806.06.

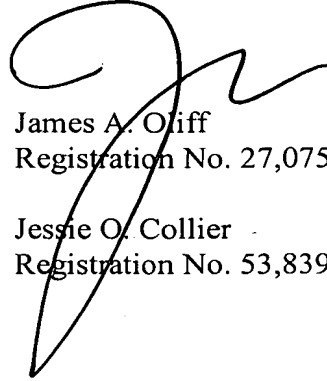
The Office Action alleges that Groups II and III are related as mutually exclusive species in an intermediate-final product relationship; however, Applicants respectfully disagree. Particularly, none of the claims of non-elected Group III specifically exclude any of

the features of elected Group II. Thus, Groups II and III are not mutually exclusive as required for restriction under MPEP §806.05(j).

It is also respectfully submitted that the subject matter of all Groups is sufficiently related that a thorough search for the subject matter of any one Groups would encompass a search for the subject matter of the remaining Groups. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In view of the foregoing, it is respectfully submitted that claims 1-21 can be examiner without undue burden on the Examiner. Accordingly, it is respectfully requested that the Election/Restriction Requirement be withdrawn.

Respectfully submitted,



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Date: November 13, 2006

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